

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

**IN THE MATTER OF THE
APPLICATION FOR A CRIMINAL
COMPLAINT AND ARREST WARRANT**

22-mj-37-01-AJ

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT**

I, Tarah Snee, a Special Agent with the Federal Bureau of Investigation (“FBI”),
being duly sworn, depose and state as follows:

1. I have been employed as an FBI Special Agent since 2015, and am currently assigned to the Boston Field Office, Bedford Resident Agency. I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. § 1470, and I am authorized by the Attorney General to request a search warrant. While employed by the FBI, I have investigated federal criminal violations related to high technology or cyber-crime, child exploitation, and child pornography. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. I make this affidavit in support of an application for a criminal complaint charging Jason Ellis with Title 18, United States Code § 1470, which relates to the transfer and attempted transfer of obscene material to minors.

2. During the course of this investigation I have conferred with other investigators who have conducted numerous investigations and executed numerous search and arrest warrants

which involved child exploitation and/or child pornography offenses. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based in part on my personal knowledge, information obtained during my participation in this investigation, information from others, including law enforcement officers, my review of documents and computer records related to this investigation, and information gained through my training and experience.

STATUTORY AUTHORITY

3. This investigation concerns alleged violations of 18 U.S.C. Title 18, United States Code, Section 1470, which relates to the transfer and attempted transfer of obscene material to minors.

DEFINITIONS

4. “Child pornography” includes any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where (A) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct; (B) the visual depiction was a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct; or (C) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct. 18 U.S.C. § 2256(8).

5. “Child Erotica,” as used herein, means materials or items that are sexually arousing to persons having a sexual interest in minors but that are not, in and of themselves, legally obscene or that do not necessarily depict minors in sexually explicit conduct.

6. “Sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person. See 18 U.S.C. § 2256(2).

7. “Minor” means any person under the age of eighteen years. See 18 U.S.C. § 2256(1).

8. “Chat” refers to any kind of communication over the Internet that offers a real-time transmission of text messages from sender to receiver. Chat messages are generally short in order to enable other participants to respond quickly and in a format that resembles an oral conversation. This feature distinguishes chatting from other text-based online communications such as Internet forums and email.

9. “Computer,” as used herein, is defined pursuant to 18 U.S.C. § 1030(e)(1) as “an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device.” These devices include but are not limited to any data-processing hardware (such as central processing units, memory typewriters, mobile “smart” telephones, tablets, and self-contained “laptop” or “notebook” computers).

10. “Computer hardware,” as used herein, consists of all equipment which can receive, capture, collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, or similar computer impulses or data. Computer hardware includes any data-processing devices (including, but not limited to, central processing units, internal and peripheral storage devices such as fixed disks, external hard drives, floppy disk drives and diskettes, and other memory storage

devices); peripheral input/output devices (including, but not limited to, keyboards, printers, video display monitors, and related communications devices such as cables and connections), as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (including, but not limited to, physical keys and locks).

11. “Computer software,” as used herein, is digital information which can be interpreted by a computer and any of its related components to direct the way they work. Computer software is stored in electronic, magnetic, or other digital form. It commonly includes programs to run operating systems, applications, and utilities.

12. The “Internet” is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.

13. “Internet Service Providers” (“ISPs”), as used herein, are commercial organizations that are in business to provide individuals and businesses access to the Internet. ISPs provide a range of functions for their customers including access to the Internet, web hosting, e-mail, remote storage, and co-location of computers and other communications equipment. ISPs can offer a range of options in providing access to the Internet including telephone based dial-up, broadband based access via digital subscriber line (“DSL”) or cable television, dedicated circuits, or satellite based subscription. ISPs typically charge a fee based upon the type of connection and volume of data, called bandwidth, which the connection supports. Many ISPs assign each subscriber an account name – a user name or screen name, an “e-mail address,” an e-mail mailbox, and a personal password selected by the subscriber. By using a computer equipped with a modem, the subscriber can establish communication with an Internet Service Provider (“ISP”) over a telephone line,

through a cable system or via satellite, and can access the Internet by using his or her account name and personal password.

14. “Internet Protocol address” or “IP address” refers to a unique number used by a computer to access the Internet. IP addresses can be “dynamic,” meaning that the ISP assigns a different unique number to a computer every time it accesses the Internet. IP addresses might also be “static,” if an ISP assigns a user’s computer a particular IP address which is used each time the computer accesses the Internet. IP addresses are also used by computer servers, including web servers, to communicate with other computers.

15. The terms “records,” “documents,” and “materials,” as used herein, include all information recorded in any form, visual or aural, and by any means, whether in handmade form (including, but not limited to, writings, drawings, painting), photographic form (including, but not limited to, microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies), mechanical form (including, but not limited to, phonograph records, printing, typing) or electrical, electronic or magnetic form (including, but not limited to, tape recordings, cassettes, compact discs, electronic or magnetic storage devices such as floppy diskettes, hard disks, CD-ROMs, digital video disks (“DVDs”), Personal Digital Assistants (“PDAs”), Multi Media Cards (“MMCs”), memory sticks, optical disks, printer buffers, smart cards, memory calculators, electronic dialers, or electronic notebooks, as well as digital data files and printouts or readouts from any magnetic, electrical or electronic storage device).

PROBABLE CAUSE

16. Kik is a free application that can be downloaded on an Android or iOS device permitting users to chat with other individuals one-on-one and in groups as well as share pictures and videos. Each user has the ability to create a screen name which can be changed at any time.

It uses a smartphone's data plan or Wi-Fi to allow the user to transmit and receive messages, photos, videos, sketches, mobile webpages, and other content over the internet after the user registers a username.

17. Whisper is a free application that can be downloaded on an Android or iOS mobile device without charge. It is a form of anonymous social media, that allows users to anonymously post and share photo and video messages. Whisper assigns a non-unique nickname to each user. Multiple users may be assigned the same nickname and users can change their nickname at any time as many times as they like. Whisper users do not generally provide to Whisper their names, email addresses, phone numbers, or similar identifying information.

18. On October 5, 2020, an Online Covert Employee (hereafter referred to as OCE) working for the Federal Bureau of Investigation (FBI) made a post on the online application Whisper that read "Any bad dads out there?" The OCE was posing as a father of a 13 year-old daughter. On the same day, the OCE received a response on Whisper via a direct message from the username "midnight" initiating a private one-to-one online conversation. The initial response from "midnight" was "Yes". "Midnight" stated that he was a bad dad and had an 18 year-old daughter that he had been having sexual intercourse with since she was 14 years-old. During the private Whisper conversation between the OCE and "midnight" the OCE requested to move the chat to Kik. "Midnight" agreed and provided the Kik username "pipedream41" (hereafter referred to as SUBJECT) to the OCE.

19. From approximately October 5, 2020 to September 8, 2021 the OCE and SUBJECT engaged in multiple conversations regarding the SUBJECT's sexual relationship with his step-daughter and the relations between the OCE and his 13-year-old daughter (hereafter

referred to as OCE2). On or about October 21, 2020 the following conversation between the SUBJECT and OCE occurred:

OCE: But I'm trying to figure out a way to introduce you. I couldn't stop thinking about it when we were together

OCE: Just didn't know how to bring you up.

OCE: Maybe this week

SUBJECT: I've been thinking about it and I'm dying to fuck her with you

SUBJECT: If that's ok w you

OCE: Bro that's my ultimate fantasy

SUBJECT: Maybe have me over to hang out

SUBJECT: I could run out to tge [SIC] store n you could get her started

SUBJECT: Or we could watch a movie and you could play w her under blanket

OCE: Mmm that would be awesome

SUBJECT: Let ken [SIC] how I know about you two and I'm totally cool w it

SUBJECT: Then I'll just gradually start rubbing her leg

SUBJECT: You assure [SIC] it's ok

OCE: I think as long as I told her you're my special friend I think she would be on board.

SUBJECT: Yea

OCE: She trusts me

OCE: And she'll do anything to make me happy

OCE: I just want her to be comfortable though. I'd only ask that she would call the shots. If she was uncomfortable we would have to stop

SUBJECT: There ya go

SUBJECT: I just see it now

SUBJECT: Me pounding from behind when your dicks in her mouth

SUBJECT: Switch off

20. During one of the conversations between the SUBJECT and OCE, the SUBJECT inquired about the age of the OCE's daughter:

SUBJECT: Is she gonna be 14 soon

SUBJECT: Netflix

OCE: She will be 14 in February

OCE: Nice I will put it on my list

SUBJECT: Fun watching her develop i bet

SUBJECT: Even her pussy will change

OCE: Yeah man definitely

OCE: Is that how it was with Lisa?

SUBJECT: Yea..I had never seen a pussy look like that

SUBJECT: Thought maybe it was deformed lol

SUBJECT: But by 16 it looks normal

21. On or about February 9, 2020 the OCE provided his "daughter's" (OCE2) Kik username to the SUBJECT. The SUBJECT then messaged OCE2 and they began to engage in conversations:

SUBJECT: Did he show you my body pic?

OCE2: No!!!

SUBJECT: I'll trade you a selfie for it

OCE2: Ok

SUBJECT: You first

[OCE sends a picture of a white female in a blue tie dye hooded sweatshirt]

SUBJECT: Damn girl

[SUBJECT sends OCE2 of a picture of tan male from the nose down with a goatee wearing red and white cargo shorts with no shirt]

22. Later during the conversation the following was said:

SUBJECT: What do you want for your birthday

OCE2: Ermmm a new softball bat??

SUBJECT: That's easy

OCE2: And maybe a new phone lol

SUBJECT: Lol. You and my daughter both

OCE2: Lol maybe u can buy us both the 12

SUBJECT: Omg lol that's the one she wants

OCE2: Lol

SUBJECT: Ya if you both give me a bj together

OCE2: Really?!

SUBJECT: Lol

OCE2: Lol [Heart shaped emoji]

OCE2: I really just want to be 14. Can't be worse than 13 lol. Worst year everrrrr

SUBJECT: I hear you girl

23. On February 12, 2021 the following conversation between the SUBJECT and OCE2 ensued:

SUBJECT: You play w your pussy at all?

OCE2: Yesss

SUBJECT: Do you use anything?

OCE2: Jus the toy my dad got

OCE2: I don't want my mom to find anything

SUBJECT: What about at your mom's?

OCE2: Nooo

SUBJECT: You could use a hairbrush handle

SUBJECT: A banana...Cucumber lol

OCE2: Lol oh ya

OCE: I never tried tho

SUBJECT: What do you think about when you do it?

OCE2: Errmm my dad mostly

SUBJECT: Awww

SUBJECT: Does he have a big cock?

OCE2: Errmm I think so?

SUBJECT: You're not sure? Lol

OCE2: What's big??

SUBJECT: Compared to mine

OCE: I'm tryin to picture urs

[SUBJECT then sends a picture of a male hand holding an erect penis]

24. On or about March 23, 2021 the SUBJECT and OCE started to talk about the possibility of the SUBJECT meeting with the OCE and OCE2:

SUBJECT: I think you two should just take a pic of her sucking your cock for me. From the nose down.

OCE: I don't know man

SUBJECT: Do it on wikr. Untraceable. Can't screen shot it and can make it disappear in 25 secs

OCE: How do I know you won't take a pics of it and report me?

OCE: Kinda weird you not really talking to me the past few weeks and all of a sudden you want me to send a pic of [OCE2] sucking my dick

SUBJECT: Not weird. I'm just weirded out. Like i said. Wikr is completely anonymous and untraceable.

OCE: I dunno man. I'm really not in this for sending vids and pics ya know?
Looking for something more real.

SUBJECT: Right but I need to know this is real. Not some set up. I wanna do this w you two but I need assurance. Either that or we wait til she's 16 I guess

OCE: Bro, it's real

OCE: I just don't want to send child porn ya know?

Conversations between the subject and OCE stopped around September 8, 2021.

25. On January 4, 2022 the same OCE operating a different online persona posted a meme on Whisper, "Ta [ghost emoji]! IYKYK". The picture on the meme depicted two young girls, approximately five to eight years old, wearing black and green outfits. The OCE received a direct message from the username "marauder" with a location of Rockingham, County, New

Hampshire. “Marauder” initiated a private conversation with the OCE with and the following conversation ensued:

marauder: ??

marauder: What does your post mean

OCE: What do you think it means [devil emoji]

marauder: Not sure but those girls are cute

marauder: Just a pic or do you know them

OCE: Just a pic

marauder: Would you fuck em

During the conversation, “marauder” proceeded to send the OCE one image portraying a naked prepubescent female lying on her back with a penis ejaculating on her stomach. “Marauder” then asked the OCE “Whats the youngest u had” and OCE responded, “12. You?”. Marauder replied “14” and explained to the OCE that it was with his stepdaughter five years ago and that she is now 19 years old. The OCE then suggested moving the conversation over to Kik. “Marauder” agreed and provided the OCE his Kik username “pipedream41”. This is the same Kik username the OCE was corresponding with on Kik from October 2020 to September 2021, as described in Paragraphs 19-24, above. The OCE did not message the SUBJECT on Kik and the conversation stopped.

26. Records obtained from Kik from for username “pipedream41” on the date the image described in Paragraph 25 was sent came back to an IP address of 227.

Further examination of this IP address deemed that it is Virtual Private Network (VPN). A VPN extends a private network allowing individuals to stay anonymous online as well as giving them an extra layer of security. The same records obtained from Kik showed that “pipedream41”

logged into Kik on December 17, 2021 and December 30, 2021 from the IP address

170.

27. Records obtained from Consolidated Communications for the IP address

70 on the above-mentioned dates provided the following information: First name:

Jason, Last name: Ellis, Address: Derry, NH 03038, telephone number
9596.

28. Through an inquiry of the New Hampshire Department of Safety – Division of Motor Vehicles (“DMV”) database, the FBI was able to further identify Jason Ellis’ year of birth as , 1976 and address of Derry, New Hampshire 03038. Derry, New Hampshire is located in Rockingham County.

29. I reviewed the photograph of Ellis in the DMV database, as well as the photograph or “profile picture,” associated with Ellis’ Real Estate Agent Facebook profile. I also reviewed the photographs that the SUSPECT sent within the chats with the OCE and OCE2. I believe that they all depict the same person. Additionally, the phone number listed on Ellis’ Real Estate Agent Facebook profile matches that obtained from Consolidated Communications.

30. On February 15, 2022 a Federal Search warrant was executed at Derry, NH. During the course of the search, Agents seized a black LG V40 Thin Q, IMEI

62 from Ellis’s person. A search of Ellis’ phone revealed multiple photographs that were sent to OCE2 via Kik. This included a picture of tan male from the nose down with a goatee wearing red and white camouflage cargo shorts with no shirt sent on February 9, 2021 (described in Paragraph 21, above), and a male holding an erect penis sent on February 12, 2021

(described in Paragraph 23, above. Ellis was wearing the same red and white camouflage cargo shorts during the execution of the search warrant as seen in the photograph described in Paragraph 21.

31. Agents also observed on Ellis's phone the Kik and Whisper applications. The username associated with the Kik account on Ellis's phone was "pipedream41" and the username associated with the Whisper account on Ellis's phone was "marauder."

32. Based on the facts set forth above, there is probable cause to believe that Ellis has committed violations of Title 18, United States Code, Section 1470, which relates to the transfer of obscene material to minors. Accordingly, I respectfully request that this Court grant the attached application for a criminal complaint.

/s/ Tarah Snee

Tarah Snee
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me telephonically this 16th day of February 2022.

/s/ Andrea K. Johnstone
Honorable Andrea K. Johnstone
United States Magistrate Judge
District of New Hampshire